

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DAVID J. CLARK,

Plaintiff,

v.

Case No. 06-C-0242

GREG SCHALLER and  
ABBAS ANGHA,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR DELAY**

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On December 1, 2006, the defendants in the above matter filed a motion for summary judgment. Rather than respond to the motion, plaintiff filed a motion for a default judgment on December 11, 2006. In a Memorandum Decision and Order entered on February 28, 2007, the court granted the defendant's motion for summary judgment and denied the plaintiff's motion for a default judgment. Plaintiff has now written the court requesting an opportunity to respond to the motion for summary judgment. The letter suggests that plaintiff believed he would be given an opportunity to respond after the court addressed his motion for a default judgment. He requests ten days within which to respond to the defendant's motion for summary judgment and asks that I delay my decision until April.

Having already entered a decision and judgment dismissing the case, there is nothing for the court to delay. If plaintiff believes that there are factual disputes that preclude entry of summary judgment and that his failure to assert them earlier was justified, he should file a motion for relief

from the judgment pursuant to Fed. R. Civ. P. 60(b) and the court will give full consideration to any such argument presented. Absent such a motion, however, no relief can be granted. Accordingly, plaintiff's request to "delay" the court's decision is **DENIED**.

**SO ORDERED** this 26th day of March, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge